

## **REMARKS**

Claims 20-49 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 102(e) Rejection:**

The Office Action rejected claims 20, 21, 23-30, 33, 34, 36-43 and 46-49 under 35 U.S.C. § 102(e) as being anticipated by Gunderson (U.S. Patent 6,073,220). Applicant respectfully traverses this rejection for at least the following reasons.

**Gunderson does not teach a first storage device configured to store an operating system for booting the computer system, and a second storage device configured to store the operating system for booting the computer system, wherein the first storage device and the second storage device appear as a single target device to the computer system, as recited in claim 1.** Gunderson does teach a primary drive and a backup drive that may both store operating system files. As the Examiner points out, Gunderson also teaches "making the backup drive appear invisible to the operating system" (Gunderson -- col. 13, lines 25-26). However, making the backup drive appear invisible to the operating system is not the same as both drives appearing as a single target device to the computer system. In fact, Gunderson clearly teaches that the primary drive and the backup drive are accessed by the computer system as two separate target devices. As shown in FIG. 1 of Gunderson, the primary drive and secondary drive are accessed by the computer system on separate drive channels. Gunderson teaches that since the backup drive is "invisible" to the operating system, the computer system uses "direct BIOS calls" to access the primary drive and backup drive separately (Gunderson -

is configured as a separate IDE target or a separate SCSI target. Even though the backup drive is made "invisible" to the operating system, both drives still appear as separate target devices to the computer system's BIOS.

Making the backup drive "invisible" to the operating system in Gunderson means that the operating system can only access the primary drive. It does not mean that both drives appear to the computer system as a single target device. This distinction is further highlighted by Gunderson's process for handling a failure of the primary drive. Gunderson teaches that a restore program must be manually run from a floppy to change to a different target device (the backup drive) to be the boot drive (Gunderson -- col. 11, lines 36-64; Fig. 6). Since Gunderson teaches that the primary drive and the backup drive are each accessed as separate devices by the computer system, Gunderson cannot be said to anticipate Applicant's claim 1.

Similar arguments apply to independent claims 33 and 46.

**Furthermore, in regard to independent claim 33, Gunderson does not teach a boot device that is configured so the computer system can access the operating system from either the first storage device or the second storage device in event of a failure of one of the storage devices.** Gunderson teaches that a restore program must be manually run on the computer system from a floppy to change to a different target device (the backup drive) to be the boot drive in case of a failure of the primary boot drive (Gunderson -- col. 11, lines 36-64; Fig. 6). Thus, in Gunderson it is the restore program running on the computer system that allows the operating system to be accessed on another drive in the event of a failure of the primary drive. Gunderson does not teach that the boot device itself is configured so the computer system can access the operating

provide access to the operating system stored on the non-failed one of the storage devices as the single boot device. Gunderson teaches that a restore program must be manually run on the computer system from a floppy to change to a different target device (the backup drive) to be the boot drive in case of a failure of the primary boot drive, and then the system must be rebooted (Gunderson -- Fig. 6). Thus, Gunderson clearly does not teach, upon detecting a failure of one of the storage devices, automatically continuing to provide access to the operating system stored on the non-failed one of the storage devices as the single boot device.

#### **Section 103(a) Rejection:**

The Office Action rejected claims 22 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Gunderson in view of Pfeffer et al. (U.S. Patent 5,210,860). Claims 31, 32, 44 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunderson in view of Hayden et al. (U.S. Patent 6,140,926). Applicant traverses these rejections for at least the reasons given above in regard to Gunderson.

Furthermore, in regard to the § 102(e) and the § 103(a) rejections, Applicant asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

### CONCLUSION

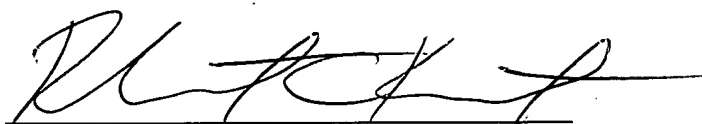
Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-65300/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☒ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (      ).
- ☐ Other:

Respectfully submitted,



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